

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

THERABODY, INC.,)	CIVIL ACTION NO. 3:23-cv-545-RCY
)	
Plaintiff/Counterclaim Defendant,)	
v.)	JUDGE RODERICK A. YOUNG
)	
DAVID C. WALTON,)	
)	
Defendant/Counterclaim Plaintiff.)	

**PLAINTIFF/COUNTERCLAIM DEFENDANT THERABODY, INC.'S MOTION TO
EXTEND CASE DEADLINES**

Pursuant to Fed. R. Civ. P. 6(b), Plaintiff/Counterclaim Defendant Therabody, Inc. (“*Therabody*”) requests that the Court issue an order extending the case deadlines set for Therabody and Defendant/Counterclaim Plaintiff David C. Walton (“*Walton*” and with Therabody, the “*Parties*”) to complete discovery and file dispositive motions as set forth herein. Pursuant to ECF No. 32, the Parties were to complete discovery “90 days before the [June 27, 2024 Final Pretrial Conference (the “*FPTC*”)],” i.e. March 29, 2024, and “[a]ll dispositive motions shall be filed not later than 75 days before the FPTC,” i.e. April 15, 2024. With this Motion, Therabody requests that the Court enlarge the deadlines such that discovery will be concluded on or before May 13, 2024, with the Parties filing dispositive motions on or before May 28, 2024.

Therabody makes this request not for the purposes of delay but in good faith to close out written discovery, take depositions, and continue negotiating in good faith to resolve this dispute. On March 27 and March 28, the Parties conferred via email, and Walton, through counsel, did not agree to Therabody’s request for this extension. No other extensions of the case deadlines are requested, and this request does not impact the July trial date.

For the reasons stated herein and in Therabody's accompanying Memorandum in Support, which is incorporated herein by reference, Therabody respectfully requests that the Court grant the Motion.

Dated: March 29, 2024

Respectfully submitted,

/s/ Rachel W. Adams

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Counsel for Plaintiff/Counterclaim Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which sends a Notification of Electric Filing (NEF) to the following counsel of record:

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